

DETAILED ACTION

Notice of Non-responsive Amendment

The reply filed on 1/14/2009 is not fully responsive to the prior Office Action mailed 4/23/2007 because of the following omission(s) or matter(s):

Applicant's election of dermatitis as a species of disease from Group (a) is acknowledged. However, in addition, Applicant was respectfully requested to elect a *compound* (i.e. Group b), to which the preliminary search for the elected invention will be begun (see continuation sheet of the Office Action mailed 4/23/2007). Applicant has presently elected "a species of furanone of Formula I or III consisting of claims 3-4 and 7." It is noted that no *specific* election was made with respect to a species compound, rather a generic compound of formula I or III, including a variety of compounds listed in claims 3-4 and 7. Therefore, the identity and structure of a *specific compound* which is to be searched is unclear. Accordingly, Applicant is respectfully requested to elect a *single specific compound* having all variables clearly (structurally) defined to which the preliminary search for the elected Group will be limited. In accordance with Markush practice, if the elected species is not found by the examiner, the search will be expanded to cover additional non-elected species. A telephone call was made to Mr. Olsen on 2/3/2009 to request an oral election to the above election / restriction requirement, but did not result in an election being made.

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Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leah Schlientz whose telephone number is 571-272-9928. The examiner can normally be reached on Monday - Friday 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley can be reached on 571-272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Michael G. Hartley/

Supervisory Patent Examiner, Art Unit 1618

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